



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF MATERIALS MANAGEMENT • BUREAU OF PEST MANAGEMENT
www.dec.ny.gov

INSPECTION REPORT COVER SHEET

Inspection #: 062413GD901	Name of Person Contacted: JOHN H. VOELPEL
Name of Business: VOELPEL FARM	Official Position: OWNER
Street Address: 2770 WESD CREEK RD.	Post Office Address: NA
City/State/Zip Code: NEWFANE, NY 14108	City/Village/Township: NEWFANE
Telephone Number: 716-622-4488	County: NIAGARA

Inspector's Initials	Name of Inspection Form	Form Number
NKO	Notice of Inspection	NOT
NKO	Pesticide Applicator/Business/Use Inspections	USE
NKO	Worker Protection Standard Inspection	WPS
	Worker Protection Standard Inspection Of Family Establishment	FEI
	Liquid Termiticide Use Checklist	TER
	Ornamental and Turf Checklist	T&O
	Voluntary Statement	VOL
	Receipt for Samples	SAM
	Market Place/Restricted Dealers Records Inspection	MKT
	Market Place/Restricted Dealer Records Inspection Continuation Sheet	MPC
	Quarantine Order	QRN
	Quarantine Order Release	QOR
	Recertification/Certification Course Monitoring	RCM
	Experimental Use Permit Checklist	EUP
	Authorization for Medical Record Disclosure	MED

Inspector's Signature:

Number:

GDY

Date:

6/24/13

Inspection Acknowledgment: I acknowledge receiving a copy of the above listed inspection documents initialed by the inspector.

Signature:

Date:

6/24/13

Print Name:

John H. Voebel

NYS Dept of Environmental Conservation URPEP CHECKLIST To be used with NAUO , CAR, and RDR inspections

Inspect Type	Question/Action		Y	N	N/A	Remarks	
ALL*	1. Opening conference.		<input checked="" type="checkbox"/>				
	2. Inspection of pesticide storage area:		<input checked="" type="checkbox"/>				
	a	Any pesticides on hand that seem inappropriate for establishment or site?		<input checked="" type="checkbox"/>			
	b	Are there supplies of clean household containers that could be filled with pesticides and left with customer/tenants?		<input checked="" type="checkbox"/>			
	c	Any pesticides in unlabeled packaging or "household" packaging?		<input checked="" type="checkbox"/>			
	d	Are restricted use pesticides in storage?	<input checked="" type="checkbox"/>				
	e	Are there security measures in place to prevent unauthorized entrance and use of pesticides?	<input checked="" type="checkbox"/>				
	f	Have any pesticides been stolen/ pilfered from inventory - particularly RU or agricultural ones?		<input checked="" type="checkbox"/>			
CAR	1. All CAR inspections- conduct review of Applicator records.						
	a Structural Related:	Any structural applications of seemingly inappropriate pesticides?					
	b Agricultural Related:	Has methyl parathion been used in the last year?		<input checked="" type="checkbox"/>			
		Any discrepancies between amount of RU pesticides purchased and applied, or undocumented returns?		<input checked="" type="checkbox"/>			
RDR	1. Is this establishment engaged in the retail sale of methyl parathion?				<input checked="" type="checkbox"/>		
	2. Do purchasers produce a commodity on which the pesticide is used?						
	a	Have all sales of RUPs been made to either:	A person who is certified to use it ?				
		An individual under the direct supervision of a currently certified applicator authorized to use the product?					
	3. Have there been sales of methyl parathion EC in the past two years?						
	a	What methyl parathion products in particular does the dealer sell? _____					
	b	What crops are the products used on? _____					
	4. If this is not a methyl parathion emulsifiable concentrate dealer, have any of the other ag pesticides referenced in attachment "5A" of URPEP Protocol been sold for the past few years?						
	a	If not, have any other agricultural pesticides, particularly RU ones, been sold?					
	5. Does the dealer conduct audits of its pesticide inventory? How often? _____						
	6. Has there ever been an unexplained discrepancy between the amount of methyl parathion or other ag use pesticide in inventory and amount that inventory records indicate should be there?						
	a	What was the pesticide?					
	b	Was the discrepancy resolved as 1) bookkeeping error? or 2) was theft suspected?					
7. Has methyl parathion or any RU agricultural pesticide been stolen from inventory? If yes, document particulars (i.e. person's name, the intended use of pesticide) and ask for a copy of any police report, report to the insurance company or other information relating to the theft.							
ALL*	3. Closing conference.		<input checked="" type="checkbox"/>				

* When only conducting an NAUO inspection, these blocks of questions/actions are the only ones that need to be covered.

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DIVISION OF SOLID AND HAZARDOUS MATERIALS • BUREAU OF PESTICIDES MANAGEMENT
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NOTICE OF INSPECTION **USE/MISUSE INSPECTION**

INSPECTION # 06241360901	DATE 6/24/13	TIME 11:00 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	REGION 9
NAME OF INDIVIDUAL John H. Voelpel		TITLE Owner	
NAME OF FIRM (Note if corporation, partnership, dba, etc) VOELPEL FARM			
ADDRESS This is the address of the: <input checked="" type="checkbox"/> INSPECTION SITE <input checked="" type="checkbox"/> FIRM <input type="checkbox"/> INDIVIDUAL 2770 WEST CREEK ROAD			
CITY/VILLAGE NEWFANE		STATE NY	ZIP 14108
TOWNSHIP NEWFANE	COUNTY NIAGARA	PHONE 716-628-4488	
REASON FOR INSPECTION <input type="checkbox"/> For the purpose of inspecting and obtaining samples of any pesticides or devices packaged, labeled and released for shipment, samples of any containers or labeling for such pesticides or devices in places where pesticides or devices are produced, or held for distribution or sale. <input checked="" type="checkbox"/> For the purpose of inspecting and obtaining samples of mandated records. <input checked="" type="checkbox"/> For the purpose of inspecting the use of pesticides and sampling pesticides in use to determine if they are being used in compliance with appropriate laws and rules and regulations. <input checked="" type="checkbox"/> For the purpose of inspecting sites where pesticides are being used to collect data on the use of pesticides and to determine whether pesticides are being used in compliance with appropriate laws and rules and regulations. <input checked="" type="checkbox"/> Other Complaint # 9-014-13			
VIOLATION SUSPECTED			
CONSENT USE/MISUSE			
Voluntary Consent Necessary to Enter for inspection and/or Sampling.			
<input type="checkbox"/> The undersigned hereby voluntarily consents to an inspection of _____ of which I am the owner, Agent, or Person-in-Charge, for the purposes of gathering information and/or samples in connection with the administration and enforcement of Article 33 and Section 15-0313 of the Environmental Conservation law relating to pesticides. I understand that I have the right to refuse consent to this entry.			
SIGNATURE		TITLE	DATE
This inspection is being performed under authority granted by Article 33 and Section 15-0313 of Article 15 of the Environmental Conservation law relating to pesticides and the Federal Insecticide, Fungicide and Rodenticide Act as amended (7 U.S.C. 136 et seq.).			
INSPECTOR INFORMATION			
NAME GREGORY R. DAVIS	TITLE PCS 1	ID NUMBER 609	PHONE NUMBER 716-851-7220
SIGNATURE GREGORY R. DAVIS	OFFICE LOCATION 270 MICHIGAN AV. BUFFALO	ACCOMPANIED BY GLENN REINHARDT #258	

USE (07/03)



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PESTICIDE APPLICATOR/BUSINESS/USE INSPECTIONS

INSPECTION NUMBER 062413GD901		FIRM/FACILITY/PERSON INTERVIEWED VOELPEL FARM / JOHN VOELPEL		EQUIPMENT TYPE/SIZE 900 gal hyd w/ 80' Boom	
TYPE OF INSPECTION: <input type="checkbox"/> Business/Agency <input checked="" type="checkbox"/> Applicator <input type="checkbox"/> Non-agricultural use <input checked="" type="checkbox"/> Agricultural use		SITE OF INSPECTION 2770 WEST CREEK RD. NEWFANE			
BUSINESS REG. NO./EXPIRATION DATE		INSURANCE COMPANY/EXPIRATION DATE			

APPLICATOR NAME/CERTIFICATION TYPE	CERTIFICATION ID	CATEGORY/EXPIRATION	SUPERVISED BY
JOHN H. VOELPEL PRIVATE	P9477796	23/3/21/2015	N/A
BARRY A. Butski COMM	C9802250	1A/9/21/2019	N/A

DATE/TIME/WEATHER CONDITIONS DURING APPLICATION 6-1-13	CROP Soybeans	SITE SIZE Hornings Farm 170 Acres	TARGET PESTS Weeds
PESTICIDE NAME/EPA REG NO.	METHOD OF APPLICATION	CLASSIFICATION	FORMULATION
DURANGO #62719-556	Boom Spray	Gen Use	Liquid

LABEL/EQUIPMENT REQUIREMENTS	REFERENCE SECTION	Yes	No	NA	APPLICATOR REQUIREMENTS	REFERENCE SECTION	Yes	No	NA
Label Rate Followed	325.2(b)	✓			Apprentices Properly Supervised	325.7(d)			✓
Target Pests on Label	325.2(b)	✓			Apprentices Trained/Documented	325.10(a)			✓
PPE/Cautionary Labeling Followed	325.2(b)	✓			Apprentice Variance Approved	325.10(b)			✓
Preharvest Interval/REI per Label	325.2(b)	✓			I. D. Card in Possession During Use	325.7(a)	✓		
Crop/Area Treated per Label	325.2(b)	✓			Label in Possession During Use	325.2(d)	✓		
Pesticide Containers Properly Labeled	33.1301(1)(b)	✓			Notification Requirements Met	33-0905(5)	✓		
Service Containers Properly Labeled	33.1301(1)(b)			✓	REPORTS/RECORDS	33-1205(1)	Yes	No	NA
Containers Properly Rinsed and Disposed	325.4(a)	✓			EPA Reg. No.		✓		
Backflow Prevention/Air Gap Present	325.2(c)	✓			Product Name		✓		
Proper Stickers on Equipment/Vehicles	325.26			✓	Quantity		✓		
Equipment Properly Calibrated		✓			Date Applied		✓		
Storage Locked/Containers Secure		✓			Address		✓		
Warning Signs Posted		✓			Place of Application		✓		
Location of Container Disposal: Mechan Disposal/recycle					Dosage Rate		✓		
Location of Pesticide Storage: Spray Bush					Method of Application		✓		
Water Source: Municipal					Target Organism/Crop Treated		✓		
Pesticide Mixing Area: IN FIELD w/ Pesticide Tanks					Records Kept 3 Years		✓		

REMARKS:

INSPECTOR'S SIGNATURE
[Signature]

DATE AND TIME INSPECTED
6/27/13 11:00am

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WORKER PROTECTION STANDARD INSPECTION

Inspection # <u>052413ED901</u>	Date: <u>6/24/13</u>	Inspection: <u>Unannounced</u> <input checked="" type="checkbox"/> Appointment
Firm/Farm Name <u>Voelpel Farms, Inc.</u>	Inspection Type: Tier I <input checked="" type="checkbox"/> or Tier II <input type="checkbox"/>	
Type of Establishment: (check all applicable): <input checked="" type="checkbox"/> Farm <input type="checkbox"/> Greenhouse <input type="checkbox"/> Nursery <input type="checkbox"/> Family establishment <input type="checkbox"/> Research <input type="checkbox"/> Forest		
Approx. total area of establishment: <u>5500 A ±</u>	Principal crops: <u>Soybeans, Corn, Cabbage, Wheat</u>	
# of certified applicators with establishment: <u>1</u>	Name of person(s) directing/controlling pesticide use: <u>John Voelpel</u>	
Who applies pesticides? (check all applicable): <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> Employee <input checked="" type="checkbox"/> Custom Applicator		
Note: For data in this block, estimates provided by the establishment are sufficient.		
# present at this inspection:	workers <u>50</u>	handlers <u>12 + 1 out</u>
1. # present during last pesticide application:	workers <u>50</u>	handlers <u>12</u>
2. or for the last 30 days: (circle one)	workers <u>50</u>	handlers <u>12</u>
# of permanent employees:	workers <u>0</u>	handlers <u>12</u>
# of seasonal employees:	workers <u>30</u>	handlers <u>0</u>

INFORMATION AT A CENTRAL LOCATION

40 CFR 170.122/135

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- ☒ NA ☒ Y ☐ N Is the approved SAFETY POSTER displayed? 23
☒ NA ☒ Y ☐ N Is EMERGENCY MEDICAL INFORMATION displayed? (name, address & telephone number) 24
☒ NA ☒ Y ☐ N Is the site LOCATED where it can be readily seen and read by workers & handlers? 24
☒ NA ☒ Y ☐ N Are workers & handlers INFORMED of the location and are they allowed ACCESS to the site? 24
☒ NA ☒ Y ☐ N Does the information remain LEGIBLE while posted? 24
☒ NA ☒ Y ☐ N Is the following APPLICATION INFORMATION displayed? -Location and Description of the treated area; - Product Name; -EPA REG #; - Active Ingredient(s) of the pesticide; -Time & Date of application; - REI (restricted entry interval) 23

Comments (explain NA):

PESTICIDE EXPOSURE INCIDENTS/EMERGENCY ASSISTANCE

40 CFR 170.160

TRAINED w/ ORLEANS
Co.How are incidents reported for employees who become sick/injured by pesticides? NO INCIDENTS

- ☒ NA ☒ Y ☐ N Is prompt transportation to emergency medical facility available for employees who become sick/injured by pesticides? 36
☒ NA ☒ Y ☐ N Is information provided to medical personnel regarding the pesticide to which employees may have been exposed? 36

Who is the person responsible for providing transportation and pesticide information? 911 or Voelpel Transport
☒ Y ☐ N Have there been any pesticide exposure incidents on this farm? If yes, give details:

Comments (explain NA):

EMPLOYER/CUSTOM APPLICATOR INFORMATION EXCHANGE

NA (no custom applications)

40 CFR 170.124 & 170.224

- ☒ NA ☒ Y ☐ N Does the ag establishment notify the custom applicator regarding the location of treated areas and REIs? 34
☒ NA ☒ Y ☐ N Does custom applicator notify the ag establishment of required application information before the application? 33

How is the information exchanged? When/with whom? Verbally as needed.

Applicator Name RIEXINGER Crop Spraying LLC
17453 Kenyon Ave. Braham NY
(716) 474-2662

Inspection # 06/24/350901

PESTICIDE SAFETY TRAINING ASSURANCE

40 CFR 170.130

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WORKERS: (Applies to workers who are NOT certified applicators or trained handlers)

- NA ✓ Y N Does Ag Employer ASSURE that workers have been trained within the last five years? **Roster** 25
- NA ✓ Y N Does Ag Employer ASSURE that workers have been trained *before EARLY ENTRY* activities during an REI? 25
- NA ✓ Y N Is the Ag Employer able to VERIFY that the required PESTICIDE SAFETY INFORMATION was provided to workers *before entry into any area on an ag establishment* where WPS pesticides have been applied within the last 30 days? 26
- NA ✓ Y N Does Ag Employer ASSURE that workers have received the required ADDITIONAL TRAINING *before the sixth day of entry into any area on an ag establishment* where WPS pesticides have been applied within the last 30 days? 26

HANDLERS: (Applies to handlers who are NOT certified applicators or certified crop advisers)

40 CFR 170.230

- NA ✓ Y N Does Ag Employer ASSURE that handlers have been trained within the last five years? **Orleans** 25/26
- NA ✓ Y N Does Ag Employer ASSURE that handlers have been trained *before performing any handling task?* **Co.** 25/26

How is training verified for both workers and handlers?

Yes, Rosters and ID cards from Orleans Co.

Comments (explain NA):

PESTICIDE SAFETY TRAINING PROGRAM

NA (if workers trained elsewhere)

40 CFR 170.130/230

- NA ✓ Y N **WORKERS & HANDLERS:** Is the information presented in a manner that the workers & handlers can understand (such as through a translator & using nontechnical terms & presenter answers questions)? 27
- NA ✓ Y N **WORKERS:** Does the PESTICIDE SAFETY INFORMATION meet the criteria listed in 170.130(c)? 26
- NA ✓ Y N **WORKERS:** Does the content of the ADDITIONAL TRAINING materials meet the criteria listed in 170.130(d)(4)? 103
- NA ✓ Y N Is trainer qualified to train **WORKERS?** (certified applicator or authorized by DEC) **C9-802250** 26
- NA ✓ Y N **HANDLERS:** Does the content of the training materials meet the criteria listed in 170.230(c)(4)? **BARRY Butski** 104
- NA ✓ Y N Is the trainer qualified to train **HANDLERS?** (certified applicator or authorized by DEC) 26

Who trains workers/handlers?

BARRY Butski

When/how often?

Orleans Co. Handlers each year workers every 5 year.

Comments (explain NA):

DECONTAMINATION SITES

The employer must adhere to the following decontamination requirements for **WORKERS** and **HANDLERS:** **40 CFR 170.112/150/250**

- NA ✓ Y N Do decontamination sites have soap, single-use towels, and enough water for washing & emergency eye flushing? 29-31
- NA ✓ Y N Is the decontamination water of a quality & temperature as required? 29
- NA ✓ Y N Is one pint of eye flush water immediately available to handlers using pesticides requiring protective eye wear and to early entry workers when working in areas treated with pesticides requiring protective eye wear for early entry? 31/68
- NA ✓ Y N Is the decontamination site within 1/4 mile of the work site and out of areas being treated or under REI? 30/31
- NA ✓ Y N Are decontamination sites provided for workers entering treated areas until 30 days following expiration of the REI? 29
- (Exception: Pesticides with a four-hour REI require decontamination site for only seven days.)
- NA ✓ Y N Are decontamination sites provided for early entry workers during and after early entry? 67/68

The employer must adhere to the following decontamination requirements for **HANDLERS:**

40 CFR 170.250

- NA ✓ Y N Is enough water provided to handlers for washing the entire body in case of an emergency? 30
- NA ✓ Y N Is one clean change of clothing provided to handlers for use in an emergency? 30
- NA ✓ Y N Are decontamination supplies located at the mix/load site? 30/31
- ✓ NA Y N Are decontamination supplies for PILOTS kept in the airplane or at the aircraft loading site? 30
- NA ✓ Y N Are handler decontamination supplies kept out of treated areas unless they are in enclosed containers? 31
- NA ✓ Y N Are decontamination supplies located where handlers remove PPE for washing thoroughly after handling activities? 31

Comments (explain NA):

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ADDITIONAL DUTIES FOR WORKER EMPLOYERS

40 CFR 170.110

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RESTRICTIONS DURING APPLICATIONS

- ☒ NA ☒ Y ☐ N Are workers prohibited in treated areas during application and until REIs have expired? 45
- ☒ NA ☒ Y ☐ N Are workers prohibited in treated areas plus the additional buffer area during application in NURSERIES? 51/52
- ☒ NA ☒ Y ☐ N Are workers prohibited in a GREENHOUSE during application and until ventilation criteria are met? 53-55

NOTICE OF APPLICATIONS TO WORKERS

40 CFR 170.120

- ☒ NA ☒ Y ☐ N Are all GREENHOUSE applications posted with WPS warning signs? 41
- ☒ NA ☒ Y ☐ N Are workers given BOTH oral and posted notification when required by the pesticide label? *Cream interprets* 41-44
- ☒ NA ☒ Y ☐ N Are workers given notification of applications (EITHER orally or posted) for other applications? 41-44
- ☒ NA ☒ Y ☐ N Are workers told which method will be routinely used at this firm (oral or posted notification)? - circle one 41

Who notifies workers? John Voepel AND Crew "Chiefs" - J. Amican
☒ NA ☒ Y ☐ N Have any early entry activities occurred? Puerto Rico

☒ NA ☒ Y ☐ N Were workers informed of label restrictions re: early entry?

Posted Warning Signs ☐ NA for all

- ☒ NA ☒ Y ☐ N Does the employer use the approved WPS warning signs for posted notification? *LOREAN* 42/43
- ☒ NA ☒ Y ☐ N Are the signs posted at all entrances of worker entry to the treated area? 42
- ☒ NA ☒ Y ☐ N Are the signs put up no sooner than 24 hours prior to application? 43
- ☒ NA ☒ Y ☐ N Are the signs removed within three days after the end of the REI? 43
- ☒ NA ☒ Y ☐ N Are the signs posted along the border of any labor camp adjacent to the treated area? 42

Oral Warnings ☐ NA for all

- ☒ NA ☒ Y ☐ N Are oral warnings given in a language (s) understood by workers? 44
- ☒ NA ☒ Y ☐ N Do oral warnings include: 1) location & description of treated area; 2) REI; 3) instructions not to enter during the REI? 44

Comments (explain NA):

ADDITIONAL DUTIES FOR HANDLER EMPLOYERS

APPLICATION RESTRICTIONS & MONITORING

☐ NA if no handlers employed **40 CFR 170.210**

- ☒ NA ☒ Y ☐ N *Do both the employer & the handler assure that no pesticide is applied (either directly or through drift) so as to contact anyone other than trained and PPE-equipped handlers: 73
- How is this verified?
- ☒ NA ☒ Y ☐ N Are handlers monitored visually or by voice every two hours when handling SKULL & CROSSBONES pesticides? 73
- ☒ NA ☒ Y ☐ N Does the handler have a continuous visual or voice contact with another trained and PPE-equipped handler when handling a FUMIGANT in a GREENHOUSE? 73/74

SPECIFIC INSTRUCTIONS FOR HANDLERS

☐ NA if no handlers employed **40 CFR 170.232**

- ☒ NA ☒ Y ☐ N Does the employer assure that handlers read the label or are informed (in a manner they can understand) about the label requirements for safe use before performing any handling activity? 75
- ☒ NA ☒ Y ☐ N Does the handler have access to the product labeling during handling activities? 75

SAFE OPERATION OF EQUIPMENT

☐ NA if no handlers employed **40 CFR 170.234**

- ☒ NA ☒ Y ☐ N Is the handler instructed in the safe operation of handling equipment before it is used? By whom? J. Voepel 75
- ☒ NA ☒ Y ☐ N Is handling equipment inspected and repaired before each day of use? 77
- ☒ NA ☒ Y ☐ N Does the employer assure that only trained and PPE-equipped handlers repair, clean or adjust any handling equipment that contains pesticides or pesticide residues? 77

Comments (explain NA):

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PERSONAL PROTECTIVE EQUIPMENT REQUIREMENTS FOR HANDLERS/EARLY ENTRY WORKERS

40 CFR 170.112/240

- ☐ NA ☒ Y ☐ N Does the employer provide the handler/early entry workers with the appropriate PPE in clean and operating condition? 79
☐ NA ☒ Y ☐ N Does the employer assure that instruction on use and cleaning of PPE is given and that it is worn and used correctly? 79
 Who gives instructions and assures use of PPE? John Voelpel
☐ NA ☒ Y ☐ N Does the employer assure that PPE is inspected, cleaned, stored properly & repaired or replaced before each day of use? 79
☐ NA ☒ Y ☐ N Does the employer assure that filters are replaced on respirators when required? 80
☐ NA ☒ Y ☐ N Do handlers/early entry workers have a clean place to store personal clothing, put on PPE and remove PPE after use? 79
 Where is it located? Storage Boxes in Vehicle Cabs
☐ NA ☒ Y ☐ N Is contaminated PPE disposed of properly? 79
☐ NA ☒ Y ☐ N Does the employer take appropriate measures to prevent heat-related illness for handlers/early entry workers using PPE? 79
☐ NA ☒ Y ☐ N Have handlers refused to wear proper PPE?

From labels of agricultural pesticides documented in an accompanying AUO inspection, list the following (for up to 4 products):

	Product Name	REI	PPE
1	JOTANGO	4hrs	Coveralls, Chem-Resistant gloves made
2	62719-556		of waterproof material, Shoes & Socks
3			
4			

If the label for any of the above products does not include agricultural use requirements - state so above.

Comments (explain NA):

WORKER AND HANDLER INTERVIEWS

- ☒ Y ☐ N Were any workers or handlers interviewed? (circle which were) If no for either, explain why an interview was not conducted.

FAMILY ESTABLISHMENTS

40 CFR 170.104/110/112/124/224/240

- ☐ NA ☒ Y ☐ N Are employees only spouse, children, stepchildren, foster children, parents, stepparents, foster parents, brothers, sisters? 91
 If NO, skip this section.
☐ NA ☒ Y ☐ N Are non-handlers prohibited in treated areas during application and until REIs have expired? 92
☐ NA ☒ Y ☐ N Are non-handlers prohibited in treated areas plus the additional buffer area during application in NURSERIES? 92
☐ NA ☒ Y ☐ N Are non-handlers prohibited in a GREENHOUSE during application and until ventilation criteria are met? 92
☐ NA ☒ Y ☐ N Are early entry workers prohibited in treated areas during the first four hours after application? 93
☐ NA ☒ Y ☐ N Are early entry workers limited to one hour of work in a 24-hour period in treated areas during the REI? 93
☐ NA ☒ Y ☐ N Are early entry workers who perform irrigation and limited contact activities limited to eight hours of work in a 24-hour period? 93
☐ NA ☒ Y ☐ N Is the correct PPE for early entry PROVIDED for early entry activities at this firm? 93
☐ NA ☒ Y ☐ N Does the handler at this firm wear the label-specified PPE during handling tasks? 92
☐ NA ☒ Y ☐ N Is the label-specified PPE for handling activities at this firm PROVIDED in clean and operating condition? 92
☐ NA ☒ Y ☐ N Does this establishment notify commercial handlers regarding location of treated areas and REIs on the establishment? 92
☐ NA ☒ Y ☐ N Do commercial handlers notify this establishment of required application information before application takes place? 92

Comments (explain NA):

Additional Comments:

Consultant: BARRY Butski

Print name of inspector <u>GREGORY R. DAVIS</u>	Print name of person interviewed <u>John Voelpel</u>
Signature of inspector <u>GREGORY R. DAVIS</u>	Signature of person interviewed <u>John Voelpel</u>

(HANDLER)**WORKER PROTECTION STANDARD****AGRICULTURAL HANDLER INTERVIEW QUESTIONNAIRE**

Inspection # (if interview related to an inspection):	
Name of Establishment:	VOELPEL FARM
Date of Interview:	06/24/13
# of Handlers Interviewed:	ONE
Were handlers accompanied by employers during interview? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Interview Conducted <input checked="" type="checkbox"/> onsite <input type="checkbox"/> offsite	

Training and Notification

- Did you receive pesticide safety training? ☒ Yes ☐ No
 If yes, what type of training did you receive?
☒ movie ☐ flip chart (bring a picture of a flip chart) ☒ lecture ☒ handbook
- Were you trained before you began performing handling tasks? ☒ Yes ☐ No
 When did you receive the training? April 2013 + 4 yrs
- Who trained you? Cornell Coop Ext ORLEANS COUNTY
- When you were trained, were you taught about how to wear, use and maintain special clothes (PPE), such as gloves, boots, coveralls, mask? ☒ Yes ☐ No
- When you were trained, were you taught about heat stress and how to recognize its symptoms in yourself? (eg. how to know when you are starting to get heat stress, how to avoid it, what to do if you feel sick from it) ☒ Yes ☐ No
- Are you notified when and where pesticide applications are occurring? ☒ Yes ☐ No
- (Show the safety poster) Where is the safety poster located? Shop
- (Show an example of application records) Has anyone ever showed you where these records are kept?
☒ Yes ☐ No If yes, where are they located?

Pesticide Applications

9. Are the labels for pesticides used at the establishment available for you to read and legible in a language you understand? ☒ Yes ☐ No

10. Are you trained in equipment use? ☒ Yes ☐ No

11. Who cleans and maintains the equipment? Self

Personal Protective Equipment (PPE)

12. Is PPE provided for you? ☒ Yes ☐ No

13. After you read the pesticide label, is all of the PPE required by the labels for products you use available to you? ☒ Yes ☐ No

14. Who cleans and maintains the PPE? S.H

15. Where is the room where you change into PPE? Truck

16. Where is the PPE and your regular clothing stored? Truck

17. Do you ever wear or take PPE home? ☐ Yes ☒ No

Decontamination Supplies

18. Are decontamination supplies always available to you? ☒ Yes ☐ No

19. Is there ☒ water ☒ paper towels ☒ soap ☒ eye wash ☒ change of clothing,
available all day? ☒ Yes ☐ No

If so, where? TRUCK, NURSE

Is this location more than 1/4 mile from the work site? ☒ Yes ☐ No
(Inspector verify if handler does not know.)

Emergency Assistance

20. Do you know what to do if you are exposed to pesticides? ☒ Yes ☐ No

What procedures are set up for when someone's been exposed? Rinse & flush + contact John Velpa

21. Who provides transportation to the emergency room at the hospital or clinic? John Velpa

22. Who provides information on the incident to medical personnel?

John Volpe

Retaliation

23. Have you ever been hindered from following PPE or proper pesticide application or re-entry interval procedures? ☐ Yes ☒ No

24. Have you ever spoke up about or complained about something relating to pesticides and your work at the farm and been threatened to be fired? ☐ Yes ☒ No

Please briefly tell me about this: _____

Exposure

25. Were you ever sprayed/dusted with pesticides or exposed to pesticides drifting from another person's application of pesticides? ☐ Yes ☒ No

If so, tell me approximately when and how this happened. _____

26. Do you take pesticide containers home with you? ☐ Yes ☒ No

A. If yes, what do you use them for? _____

B. Are chemicals ever in the containers? ☐ Yes ☒ No

27. Have you ever felt as though pesticides/poisons have made you sick after applying them? ☐ Yes ☒ No

28. Is there a process in place for you to report that you were exposed to pesticides? ☒ Yes ☐ No

If yes, tell me about how it works: *Call John Volpe*

29. Did you tell your employer or foreman about your pesticide exposure? ☐ Yes ☒ No

N/A

Voelpel Farms, Inc.
 2770 West Creek Road
 Newfane, NY 14028
 (716) 778-9649 Office
 (716) 622-4488 John's Mobile

Pesticide Application Record

Date Sprayed ____/____/____

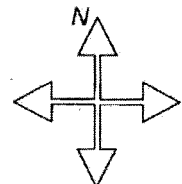
Crop: **Cabbage**

Farm Name	FSA Tract Number	Field(s)	Acres

Rate/ Acre	Amount Per Tank	Product Name	Active Ingredient	EPA Number	Re-entry Interval	Pre-harvest Interval	Generic Name
		Assail 30SG	acetamiprid	8033-36-70506			
		Avaunt	indoxacarb	352-597	12 hrs	3 days	
		Baythroid XL	cyfluthrin	264-840	12 hrs	0 days	
		Capture LFR	bifenthrin	279-3302	12 hrs	7 days	
		Coragen	chlorantranilprole	352-729			
		Hero	Bifenthrin + Zeta-cypermethrin	279-3315	12 hrs	7 days	
		Lannate SP	methomyl	352-342	48 hrs	1 day	
		Leverage 2.7	Imidacloprid+cyfluthrin	264-770	12 hrs	7 days	
		Lorsban 75WG	chlorpyrifos	62719-301-10163	24 hrs	21 days	
		Silencer	Lambda-cyhalothrin	66222-104	24 hrs	1 day	
		Thionex 50W	endosulfan	66222-62	96 hrs	7 days	
		Warrior II	lambda-cyhalothrin	100-1112	24 hrs	1 day	
		XenTari	Bt var. aizawai	73049-40	4 hrs	0 days	
		Bravo Ultrex	chlorothalonil	50534-201-100	12 hrs	7 days	
		Quadris	azoxystrobin	100-1098	4 hrs	0 days	
		Command 3ME	clomazone	279-3158	12 hrs	45 days	
		Dual Magnum	metolachlor	100-816	24 hrs	50 days	
		Goal Tender	oxyfluorfen	62719-447	24 hrs		
		Stinger	clopyralid	62719-73	12 hrs	30 days	
		Treflan HFP	trifluralin	62719-250	12 hrs		
		Fish	n/a	Exempt	Special Instructions:		
		Humate	n/a	Exempt			
		LC 10+6	n/a	Exempt			
		Molasses	n/a	Exempt			
		Seaweed	n/a	Exempt			

Tractor Used	Sprayer Used	Gals. Per Acre	Boom Pressure	Ground Speed MPH	Start Time	End Time

Temperature = ____ °F
 Wind Speed = ____ mph



Indicate Wind Direction

Supervisor Signature _____

Applicator Signature _____

Division of Solid & Hazardous Materials
Article 33 and 6NYCRR 325
Assignment: Regional Complaint #9-014-13

Inspection Report: 062413GD901

Date of Inspection: June 24, 2013

Date of Report: June 26, 2013

Facility Inspected: Voelpel Farm
Person Inspected: John H. Voelpel
Inspection Site: 2770 West Creek Road
Newfane, New York 14108
(716) 622-4488

BACKGROUND

On June 10, 2013 this office received a referral from EPA Region 2, through Mr. Greg Sutton, an engineer in our office. An individual claimed to be concerned about a large quantity of pesticides stored on the Voelpel Farm, that potentially could drain into a nearby stream. It was determined that we should check out the situation by doing a routine inspection of the facility. The following inspections were performed: Agricultural Use Observation (AUO*), Certified Applicator Records (CAR), and Worker Protection Standard (WPS).

OPENING CONFERENCE

On June 24, 2013 at 11:00am I, Gregory R. Davis, Pesticide Control Specialist I, #GD9 and Glenn Reinhardt, Pesticide Control Specialist II, #268, identified ourselves and presented our New York State credentials to Mr. John H. Voelpel, owner of Voelpel Farm, and Mr. Barry Butski, a crop consultant on the establishment. I issued a Notice of Inspection to Mr. Voelpel.

THE INSPECTION

Pesticide Certification:

This facility employs two Private Certified Applicators. Mr. Voelpel himself, certification identification number P9 8477796, certified in category 23 - Vegetable, with an expiration date of 3/21/2015, and Barry Butski, certification identification number C9 802250, certified in category 1A - Agricultural Plant, with an expiration date of 9/21/2014.

Use Observation:

I conducted an Agricultural Use Observation (AUO*) from the pesticide application records and by interviewing Mr. Butski, who recommended the application. "Durango DMA" herbicide, EPA registration number 62719-556, a New York State registered, general use product, was applied on June 1, 2013 to corn on a location called Hornings Farm to control weeds. It was applied at a rate of 24 ounces per acre, which is within the label rate of 12 to 36 ounces per acre, using a 900 gallon sprayer with a 90 foot boom. The label indicated a restricted entry interval of 4 hours. Mr. Voelpel showed us the personal protection equipment the handlers use in accordance with the label. All other label directions appear to have been followed.

Mr. Butski showed us the air gap backflow prevention devices attached to the municipal water line that comes into the facility where the nurse tank trucks fill up, and also the air gap devices on the nurse tank trucks themselves. The nurse tank trucks take water to the fields being sprayed so the operator of the sprayer can mix into the spray equipment from the nurse trucks and not have to return to the shop for water.

After viewing the pesticide storage area I completed an URPEP checklist with Mr. Butski with no problems found. I observed no floor drains in the pesticide storage building.

Worker Protection Standard:

Mr. Reinhardt conducted the following WPS inspection. This site is approximately 5500 acres, with the principal crops being soybeans, cabbage, corn and wheat. There are twelve handlers at this establishment in addition to the two certified applicators. There are no permanent workers, but there are about fifty seasonal workers employed by the facility.

The Central Location was located in the shop building just outside the small office. The required EPA safety poster was displayed, and it had the proper emergency medical information on it. Pesticide application information is displayed on a bulletin board near the poster. Pesticide warning signs are posted at the entrance to the fields where treatments are being made. Mr. Voelpel uses oral warnings to employees as well, and crew chiefs pass along these warnings to workers in Spanish as necessary.

There have been no pesticide exposure incidents at the facility, and Mr. Voelpel indicated that he would be the person responsible for providing transportation to an emergency medical facility if an employee did become sick or injured by pesticides.

Custom pesticide applications are made at this facility, and both applicator and Mr. Voelpel verbally exchange the necessary information regarding REI's and spray locations.

Mr. Voelpel explained that he trains his employees every year using safety training videos and booklets. All employees sign a training roster to record the training.

I conducted a handler interview with Mike from Newfane, one of the facility's employees. Mike indicated that he was knowledgeable about the information site and decontamination site, and therefore, appeared to be properly trained in compliance with the Worker Protection Standard.

The last area we visited was the wheat and corn storage area on the east side of the end of McKee Road (see map). There were no pesticides stored here. Fertilizers and farm equipment were stored in the buildings at the site. Products appeared to be properly stored and dry, and we observed no areas where contamination of the creek would occur.

CLOSING DISCUSSIONS

I reviewed all completed inspection paperwork with Mr. Voelpel and provided him with copies of each document. I had him read and sign the Inspection Report Cover Sheet and provided him with a copy of said document. This concluded the inspection. We thanked him for his time and left the premises.



Gregory R. Davis
Pesticide Control Specialist I
Region 9

ATTACHMENTS

Attachment A - Inspection Report Cover Sheet
Attachment B - Notice of Inspection
Attachment C - Certified Applicator/Business/Use Inspections
Attachment D - Worker Protection Standard Inspection pages 1-4
Attachment E - Agricultural Handler Interview Questionnaire
Attachment F - URPCEP form
Attachment G - ECR Supplement
Attachment H - List of Pesticides used on farm
Attachment I - Copy of Complaint form 9-014-13
Attachment J - Copy of e-mail complaint
Attachment K - Map of area

